

BEFORE THE MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

DOCKET NO. 2014-065

**IN RE: BRENNAN THOMAS O'BRIEN, D.M.D.
306 Highland Boulevard
Natchez, Mississippi 39120**

DENTAL LICENSE NO. 3610-11

ORDER OF PROHIBITION

WHEREAS, Brennan Thomas O'Brien, D.M.D. (hereinafter referred to as "Licensee") was issued Mississippi Dental License No. 3610-11 on July 19, 2011, by the Mississippi State Board of Dental Examiners (hereinafter referred to as the "Board" or "MSBDE") to practice dentistry in the State of Mississippi, said license valid until October 31, 2015.

WHEREAS, on or about September 5, 2013, Licensee entered into a five (5) year Continuing Care Contract (hereinafter referred to as the "CCC" or "Contract") with the Professionals Health Network (hereinafter referred to as the "PHN") and the Board concerning Licensee's chemical dependency.

WHEREAS, on or about October 30, 2014, Licensee was required to submit for a hair analysis to determine if Licensee was refraining from use of controlled substances and/or alcohol as required by his CCC. This testing was requested due to several weeks-to-months of abnormal behavior presented by Licensee, questionable urine screen submission, and three (3) polygraph attempts.

WHEREAS, on November 13, 2014, Licensee met with the PHN to discuss the events that have taken place, as well as the results of the hair analysis. The results of the hair analysis revealed that Licensee tested positive for two (2) opiates, Hydrocodone and Tramadol. At no time did Licensee receive prior authorization to obtain the aforementioned Hydrocodone and Tramadol, nor did he receive authorization to take these controlled substances as required by Item 6 of the CCC. During this meeting, the PHN notified

Licensee that he must immediately enter into an inpatient residential treatment program, approved by the PHN, for a minimum of ninety (90) days. Licensee stated his wife had recently given birth to their first child and was incapacitated; he had to take care of her; and he could not leave at this time. Licensee later stated he would be going to Miami, Florida on November 20-21, 2014 for a conference. The PHN informed Licensee that he must be in an approved treatment program no later than December 1, 2014. Further, Licensee is required to continue contacting Affinity Solutions for drug/alcohol testing until he enters an approved treatment program.

WHEREAS, Pursuant to Item 23 of the CCC, Licensee agreed to the following:

Breach of Contract and/or Relapse. I understand that if there is any breach in my contract, including but not limited to the following: 1) any non pre-approved (in writing submitted to PHN) absences from therapy or 12-step support groups (*If I have a true medical emergency, I understand that I am to seek medical care as needed and am to present PHN with medical records confirming emergency no later than 7 (seven) days after occurrence.*); 2) positive drug tests, drug tests suspected of purposeful dilution or other adulteration; or 3) any other material breach, I will immediately enter residential treatment at an approved facility for not less than 90 days. The ultimate length of stay beyond 90 days would be determined by the treatment facility[.]

I understand that should I experience a relapse in the context of practicing my profession, this fact shall be immediately reported by the COMMITTEE to the Executive Director of MSBDE. Such report will include, or be followed by the COMMITTEE'S response to the relapse and its recommendations regarding the relapse. I understand the COMMITTEE'S recommendations to MSBDE following a relapse are non-binding on MSBDE. I will be expected to immediately and fully comply with all COMMITTEE instructions regarding work, further evaluation, treatment, etc.

In the event I suffer a relapse and/or fail to comply with any or all of the conditions imposed by this Contract, the MSBDE shall have the authority, with recommendations from the COMMITTEE, to immediately prohibit me from practicing dentistry until such time as the MSBDE and the COMMITTEE determine that I am able to return to the practice of dentistry. In so doing, the MSBDE and the COMMITTEE may require me to undergo further evaluation.

In the event I suffer a relapse and/or fail to comply with any or all of the conditions imposed by this Contract, any action by the MSBDE may be deemed disciplinary action, and all documents relating thereto, including this Contract, shall thereafter be deemed public records and reportable to the American Association of Dental Boards, the National Practitioner Data Bank, and other entities requiring MSBDE reporting.

WHEREAS, Item 1 of the CCC states:

Total Abstinence. I agree to abstain completely from the use of any medications, alcohol and other mood-altering substances including non-approved over-the-counter medications unless ordered by my Primary Care Physician, specialists they may refer me to or other providers. When prescribed mood altering substances, I understand I am to clear these through my PHN Monitoring Physician **prior to** taking them...

WHEREAS, Item 6 of the CCC states:

PHN Physician Medication Monitor. I understand it is my responsibility to clear any and all medications prescribed by any provider through an approved Monitoring Physician. If appropriate, the COMMITTEE may approve my primary care physician to serve in both capacities. My Medication Monitoring Physician is Alexis Polles, MD as my located at [sic] 34 Millbranch Ste 60 Hattiesburg MS, office phone 601-255-5485.

WHEREAS, in view of Licensee's multiple violations of the terms and conditions set forth in the CCC, on or about November 13, 2014, Alexis Polles, M.D., Medical Director of the PHN, submitted written notification to the Board stating, in part, "The finding of 2 unapproved opioids in Dr. O'Brien's hair test constitutes a chemical relapse. It is the unanimous opinion of the PHN Committee that Dr. O'Brien is in substance and emotional relapse. As a result of this finding, we have recommended that Dr. O'Brien stop seeing patients and enter residential treatment at an approved facility." Licensee was made aware of this recommendation at the meeting.

WHEREAS, the August 26, 2013, executed by Licensee on September 5, 2013, CCC remains in full force and effect.

WHEREAS, the Board is in receipt of reliable information that Licensee has continued to practice dentistry contrary to the recommendations of the PHN, and Licensee has not notified the PHN of the approved treatment facility in which he plans to enter for treatment.

WHEREAS, the Board has the authority, pursuant to the aforementioned CCC, to immediately prohibit Licensee from practicing dentistry until such time as Licensee has successfully completed an approved residential treatment program, and a determination is made by the PHN and the Board that Licensee is able to return to the practice of dentistry with reasonable skill and safety to patients.

NOW, THEREFORE, IT IS HEREBY ORDERED that Licensee is immediately prohibited from practicing dentistry until such time as Licensee enters and successfully completes an approved residential treatment program as required by the PHN, has secured advocacy from the PHN, and is, thereafter, found capable of returning to the practice of dentistry by the PHN and the Board.

IT IS FURTHER ORDERED that a copy of this Order of Prohibition shall be sent by registered mail or personally served upon Brennan Thomas O'Brien, D.M.D. and is effective as of the date executed by the Board.

ORDERED, this the 19th day of November, 2014.

**MISSISSIPPI STATE BOARD
OF DENTAL EXAMINERS**

BY: 
FRANK TRICE DALTON, DMD
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

DOCKET NO. 2014-065

IN RE: BRENNAN THOMAS O'BRIEN, D.M.D
306 Highland Boulevard
Natchez, Mississippi 39120

DENTAL LICENSE NO. 3610-11

ORDER LIFTING PROHIBITION AND AUTHORIZING RETURN TO PRACTICE

The Mississippi State Board of Dental Examiners (hereinafter referred to as the "Board") held a meeting on October 16, 2015, in its public hearing room located at Suite 100, 600 East Amite Street, Jackson, Mississippi, beginning at 8:30 a.m. Those members present for the meeting were as follows:

Donald E. Price, D.D.S., President
William Larry Alford, D.D.S., Vice-President
A. Roddy Scarbrough, D.M.D., Secretary
Frank L. Conaway, Jr., D.M.D.
Frank T. Dalton, D.M.D.
Robert Michael Harkins, D.M.D.
Roy L. Irons, D.D.S.
Laura Currie Richoux, R.D.H.

Also present for the meeting were the following:

Ms. Leah Diane Howell, Executive Director
Ms. Karen S. Wilson, Deputy Director
Stanley T. Ingram, Esquire, Prosecutorial Counsel

A roll call indicated a quorum was present, and Dr. Price opened the meeting for business. As the meetings of the Board are open to the public, numerous other persons having business before the Board and members of the general public come and go.

While in Executive Session, the Board heard the matter of the request of Brennan Thomas O'Brien, D.M.D (hereinafter referred to as "Licensee"), Mississippi Dental License No. 3610-11, seeking authorization to return to the practice of dentistry. On November 19, 2014, the Board issued an Order of Prohibition, wherein Licensee was prohibited from practicing dentistry based on his failure to comply with the terms and conditions of that certain Continuing Care Contract, dated August 26, 2013 and executed by Licensee on September 5, 2013, by and between Licensee, the Board, and the Professionals Health Network, Inc. (hereinafter referred to as the "PHN"). Pursuant to the Continuing Care Contract and the Board's Order, Licensee was required to enter and successfully complete all phases of residential treatment for chemical dependency, secure advocacy from the PHN, and, thereafter, found capable of returning to the practice of dentistry by both the PHN and the Board.

Licensee was discharged from residential treatment on February 26, 2015 and executed a new five-year Continuing Care Contract dated February 27, 2015. Because Licensee relapsed and was required to re-enter treatment, the August 26, 2013 Continuing Care Contract became null and void, necessitating the aforementioned execution of a new five-year Continuing Care Contract. An Addendum to Contract was added by the PHN on April 13, 2015 indicating that the PHN was not advocating for Licensee, but only providing monitoring. On or about September 24, 2015, correspondence was received from the PHN notifying the Board that the PHN now advocates for Licensee's return to practice.

Licensee was not present at this meeting; however, the Board's Deputy Director, Karen S. Wilson, and the Board's Prosecutorial Counsel, Stanley T. Ingram, Esquire, presented evidence, including proof of successful completion of inpatient treatment and a letter of advocacy from the PHN stating that Licensee was able to practice dentistry with reasonable skill and safety to patients. After consideration of all the facts and matters, the Board finds Licensee's request to be well-taken.

ORDER

The Mississippi State Board of Dental Examiners, by unanimous vote of William Larry Alford, D.D.S., Frank L. Conaway, Jr., D.M.D., Frank T. Dalton, D.M.D., Robert Michael Harkins, D.M.D., Roy L. Irons, D.D.S., and A. Roddy Scarbrough, D.M.D., takes the following action concerning the dental licensure of Brennan Thomas O'Brien, D.M.D. It is noted herein that Donald E. Price, D.D.S., as investigative Board member, and Laura Currie Richoux, R.D.H., being the dental hygienist Board member, did not participate in the vote.

IT IS HEREBY ORDERED, that pursuant to Miss. Code Ann. §73-9-1 et. seq., Brennan Thomas O'Brien, D.M.D. is hereby authorized to return to the practice of dentistry, subject, however, to strict and absolute compliance with each and every term and condition set forth by the February 27, 2015 Continuing Care Contract by and between Licensee, this Board and the PHN.

IT IS FURTHER ORDERED, that a copy of this Order Lifting Prohibition and Authorizing Return to Practice shall be sent by registered mail or personally served upon Licensee.

IT IS FURTHER ORDERED, that the action taken herein addresses solely Licensee's current compliance with the Order of Prohibition, and the Board reserves the right to investigate and take action based on any other statutory grounds which may now or hereafter exist.

SO ORDERED, this the 16th day of October, 2015.

MISSISSIPPI STATE BOARD OF
DENTAL EXAMINERS

BY: 
DONALD E. PRICE, D.D.S.
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

DOCKET NO. 2016-083

**IN RE: Brennan Thomas O'Brien, DMD
Suite C, 317 Highland Boulevard
Natchez, Mississippi 39120**

DENTAL LICENSE NO. 3610-11

CONSENT ORDER

WHEREAS, the investigative staff of the Mississippi State Board of Dental Examiners (hereinafter referred to as the "Board") has conducted a comprehensive investigation into the dental practice of Brennan Thomas O'Brien, DMD, holder of Mississippi Dental License No. 3610-11 (hereinafter referred to as "Licensee"), and has documented evidence indicating that Licensee may be guilty of:

- Willful violation of any of the rules or regulations duly promulgated by the Board, or of any of the rules or regulations duly promulgated by the appropriate dental licensure agency of another state or jurisdiction.
- Unprofessional conduct, which shall include, but not be restricted to, practicing deceit or other fraud upon the public.

WHEREAS, such conduct, if established in a disciplinary hearing before the Board, would constitute violations of the Mississippi Dental Practice Act, specifically Subsections (1)(b) and (1)(l)(ii) of Miss. Code Ann. § 73-9-61, all for which the Board may suspend, revoke, or take other disciplinary action against the dental license of Licensee.

WHEREAS, it is the desire of Licensee to avoid a hearing before the Board and, in lieu thereof, has consented to certain restrictions on Licensee's license to practice dentistry in the State of Mississippi.

NOW, THEREFORE, the Mississippi State Board of Dental Examiners, with consent of Licensee as signified by Licensee's joinder herein, does hereby suspend, effective thirty (30) days from the Board's acceptance of this Consent Order (hereinafter referred to as the "effective date"), Licensee's license to practice dentistry in the State of Mississippi for a period of ten (10) consecutive years, with said suspension stayed, after the expiration of twenty-five (25) consecutive days, subject to the following terms and conditions, to-wit:

1. As of thirty (30) days from the effective date of this Consent Order (on or before Monday, December 11, 2017), Licensee shall not be permitted to practice dentistry in the State of Mississippi for a period of twenty-five (25) consecutive days. During the twenty-five (25) day period of suspension without stay, Licensee shall not practice dentistry in any manner or form, directly or indirectly, in the State of Mississippi. Notwithstanding, Licensee shall be allowed to maintain only a receptionist at Licensee's dental office to answer telephone calls, schedule future appointments, and refer emergency matters.
2. Within one (1) year from the effective date of this Consent Order (on or before Monday, December 10, 2018), Licensee shall personally attend and successfully complete the ProBE Program entitled "Professional/Problem-Based Ethics" presented by the Center for Personalized Education for Physicians (CPEP). Licensee shall submit a certificate of successful completion to the Board within thirty (30) days of completion thereof. The aforementioned ethics course is in addition to the continuing education required by Board Regulation 41.
3. Within six (6) months from the effective date of this Consent Order (on or before Thursday, May 10, 2018), Licensee shall successfully complete the Mississippi jurisprudence examination typically administered by the Board to new licensees, such

examination to be administered at the Board's office at a time mutually convenient to both Licensee and the Board.

4. Within thirty (30) days of the effective date of this Consent Order (on or before Monday, December 11, 2017), Licensee shall provide and furnish to the Board any and all documentation which verifies that Licensee has complied with all requirements of Board Regulation 41, dealing with Continuing Dental Education, and Board Regulation 45, dealing with Cardiopulmonary Resuscitation.
5. Simultaneous with Licensee's execution of this Consent Order, Licensee shall secure a written statement from the Professionals Health Network (hereinafter referred to as the "PHN") addressed to the Board, specifically stating that Licensee has current advocacy from the PHN, is in total compliance with all terms and conditions of Licensee's Continuing Care Contract, and possesses insight as to his past and current situation, thereby minimizing the likelihood of repeated misconduct.
6. Within thirty (30) days from the effective date of this Consent Order (on or before Monday, December 11, 2017), Licensee shall pay, pursuant to Miss. Code Ann. (1972), § 73-9-61(4)(a), a monetary penalty in the amount of \$2,000.00 to be tendered to the Board in the form of a certified check or money order. Such certified check or money order shall be made payable to "Mississippi State Treasury Fund 2999."
7. Within thirty (30) days from the effective date of this Consent Order (on or before Monday, December 11, 2017), Licensee shall pay, pursuant to Miss. Code Ann. (1972) § 73-9-61(4)(d), the reasonable costs of these proceedings in an amount to be determined by the Board. Such costs shall be tendered to the Board in the form

of a certified check or money order and shall be made payable to "Mississippi State Treasury Fund 3824."

8. At any time during the ten (10) year stayed suspension, Licensee's dental practice shall be subject to periodic unannounced inspections by any member of the Board, Board investigator, dental consultant approved and directed by the Board, or by an appropriately licensed dentist designated and approved by the Board who shall review Licensee's dental practice to ensure Licensee's continued compliance with the terms of this Consent Order and the laws and regulations of the Board. Should it be determined that Licensee has violated the terms of this Consent Order or the laws and regulations of the Board, Mississippi Dental License No. 3610-11 issued to Brennan Thomas O'Brien, DMD shall be suspended without stay for the remainder of the ten (10) year suspension imposed by this Consent Order (until midnight November 10, 2027).

This Consent Order shall be subject to approval by the Mississippi State Board of Dental Examiners. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or material concerning Licensee prior to, or in conjunction with, its consideration of this Consent Order. It is agreed that presentation and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from participating in any hearing or other consideration of a resolution of the proceedings in the event this Consent Order is not approved by the Board.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Board, shall constitute a public record of the State of

Mississippi. Recognizing Licensee's right to a notice of charges specified against Licensee, to have such charges adjudicated pursuant to Miss. Code Ann. (1972) § 73-9-63, to be represented therein by legal counsel of Licensee's choice, and to a final decision based on written findings of fact and conclusions of law, Brennan Thomas O'Brien, DMD, nonetheless, hereby waives his right to a formal adjudication of charges and authorizes the Board to accept this Consent Order, thereby suspending his license for a ten (10) year period of time, with such suspension stayed following the twenty-five (25) day period of suspension without stay, pursuant to the aforementioned conditions and/or restrictions.

SO ORDERED, this the 10th day of November, 2017.

**MISSISSIPPI STATE BOARD OF
DENTAL EXAMINERS**

BY: 

ROY L. IRONS, DDS
PRESIDENT

ACCEPTED AND APPROVED this the 6 day of December, 2017.



BRENNAN THOMAS O'BRIEN, DMD